

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

FIRKON JAMES,

Defendant.

DECISION AND ORDER

11-CR-6160L

Defendant Firkon James (“James”) pleaded guilty in September 2012 to a narcotics conspiracy. Based on the drug amount and his extensive previous criminal record, including five prior felony drug convictions, he was sentenced principally to a term of 300 months imprisonment. He is currently serving that sentence at FCI Fort Dix.

In 2020, James filed a *pro se* motion seeking release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A), based on the public health crisis involving the COVID-19 virus. This Court entered a Decision and Order (Dkt. #152) on July 14, 2020, denying James’ motion because he had failed to exhaust administrative remedies as required by the statute and because he failed to carry the heavy burden of establishing extraordinary and compelling reasons to change or modify the significant sentence imposed by the Court.

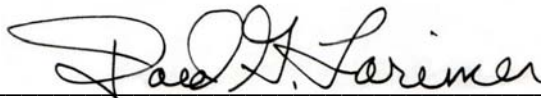
James has now filed two *pro se* motions (Dkt. #153, #154) requesting that the Court reconsider its prior Decision and Order denying release. James claims that the circumstances at FCI Fort Dix have changed for the worse relative to the pandemic. James’ motions for reconsideration are denied.

I have reviewed James' *pro se* motions with its attachments and I find no reason to change or modify the Court's earlier Decision, entered a few months ago, finding that James had failed to establish compelling and extraordinary circumstances for his very early release. James has served less than half of the imposed sentence and the matters raised in his new *pro se* motions (Dkt. #153, #154) do not warrant the Court's modification of its prior Decision and Order.

CONCLUSION

The motions of defendant Firkon James (Dkt. #153, #154) for this Court to reconsider its Decision and Order (Dkt. #152) are DENIED and James' request for release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A) is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 10, 2021.